



**Minutes  
Town of Lake Park, Florida  
Regular Commission Meeting  
October 18, 2006 7:30 p.m.**

**Town Commission Chambers, 535 Park Avenue**

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, October 18, 2006 at 7:30 p.m. Vice-Mayor Daly, Commissioners Balius, Carey, and Osterman, Interim Town Manager Cynthia Sementelli, Attorney Thomas Baird, and Town Clerk Vivian Mendez. Mayor Castro was absent at commencement of the meeting, but then arrived at 7:45 p.m.

Vivian Mendez led the Invocation.

Vice-Mayor Daly led the Pledge of Allegiance.

Town Clerk Vivian Mendez performed the Roll Call.

**ADDITIONS/DELETIONS/APPROVAL OF AGENDA**

*None.*

**Motion: A motion was made by Commissioner Osterman to approve the agenda;  
Vice-Mayor Daly made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	Absent		

Motion passed 4-0.

**PUBLIC and OTHER COMMENT**

*Diane Sophinos, 338 Bayberry Dr.* – stated that she was the President of the Lake Park Historical Society. She announced that the Historical Society would have a Lake Park Holiday Historical Home Tour on Sunday, December 3, 2006 from 2pm to 6pm. She stated that the Historical Home Tour normally took place in the spring but because of damage to the homes during the past hurricane seasons, the tour was postponed to December. She stated that there would be thirteen (13) historical homes, two (2) gardens, a trolley and a walking tour. She explained the logistics and schedule of the tours. She stated that there would be different forms of holiday entertainment, refreshments, and a tent set up in front of Town Hall.

Commissioner Osterman recommended that the Lake Park Historical Home Tour be advertised on Channel 18.

Diane Sophinos stated that the Historical Society was in the preliminary stages of putting together the Historical Home Tour and that advertising would be taken into consideration. She stated that tickets purchased in advance would cost \$20.00 and tickets purchased at the door would cost \$25.00.

**Public Comment Closed.**

**COMMENTS BY COMMISSION, TOWN MANAGER, TOWN ATTORNEY**

**Commissioner Balius**

Commissioner Balius stated that he received complaints regarding the bulkhead and paver cones located at the Lake Park Harbor Marina. He stated that he explained to the complainants that the Town was in the process of repairing the area.

Commissioner Balius asked for the status on the bids for the landscaping project on 10<sup>th</sup> St.

Commissioner Balius stated that he had a copy of a narrative budget and stated that it was easier for the residents to read and understand.

Commissioner Balius stated that he was against the extension of Park Ave.

**Mayor Castro**

Mayor Castro asked for the status of the lighting in alleyways in the west part of the Town.

Mayor Castro commended the Commission for their work, time and effort.

Mayor Castro recommended the Commission attend the same Florida League of Cities conference that Commissioner Osterman recently attended.

Mayor Castro stated that he received a phone call from a large land developer asking what the Town's position was on the five (5) year Park Ave. extension plan. He stated that his position was that he did not want the Park Ave. extension.

**Commissioner Carey**

Commissioner Carey stated that the Town had written a letter to Palm Beach County discouraging an extension of Park Ave.

**Commissioner Osterman**

Commissioner Osterman asked for the status on the relocation of the police department.

Commissioner Osterman stated that she attended a three (3) day conference held by the Florida League of Cities and Institute of Government. She recommended that other council members attend a future conference. She stated that she received many good ideas such as the Town's charter and codes be placed on the Town's website, procedures for newly elected officials, and resident fees for use of different facilities. She expressed to the Commission that she would like the Town to explore those ideas. She stated that she also learned a lot about the Budget process and recommended having a budget cover letter. She recommended implementing a performance or program budget rather than a line item budget. She stated that box stores bring in money which is divided by county and it can cost the Town money depending on its location.

Commissioner Osterman stated that she had asked the Town Clerk, Vivian Mendez when the deadline was for any referendums to be added to the Town Charter. She stated that she was informed that the deadline was February 9, 2007. She stated that the Charter does not specifically state a resident's requirement for a member of the Commission.

Commissioner Osterman explained an example of measurability in the budget with relation to changes made in the Sheriff's Department. She stated that implementing measurability in the budget would indicate the intentions of the Commission.

Commissioner Osterman gave other examples of a narrative budget to the Commission.

Commissioner Osterman stated that she was against an extension of Park Ave. She recommended a creative solution to the extension of Park Ave.

#### **Vice-Mayor Daly**

Vice-Mayor Daly asked for clarification on the contract with the Sheriff's Department. He asked how a response time would be set up.

Vice-Mayor Daly stated that he was approached regarding the benches at the Lake Park Harbor Marina. He stated that it was long overdue to have benches to sit on at the Marina.

Vice-Mayor Daly stated that he received complaints regarding the bulkhead paver area of the Lake Park Harbor Marina.

Vice-Mayor Daly asked for a status on the trailer for the Recreation Department.

Vice-Mayor Daly requested a consensus to have a proclamation for Ed Dunbar who recently passed away.

Vice-Mayor Daly did not agree with an extension of Park Ave.

#### **Interim Town Manager Cynthia Sementelli**

Interim Town Manager Cynthia Sementelli stated that the Town was in the process of repairing the bulkhead paver area at the Lake Park Harbor Marina. She stated that she would have a report on the status of the project at the next Commission meeting.

Interim Town Manager Cynthia Sementelli stated that the Town did not receive any bids on the 10<sup>th</sup> St. landscaping project. She stated that the Town was in contact with contractors who came to the pre-bid conference to see if there were any issues with the landscaping design.

Interim Town Manager Cynthia Sementelli stated that she has been in contact with Captain Reese regarding the relocation of the police department and they are in the process of meeting with BellSouth and an IT (Information Technology) Representative to move the process along.

Interim Town Manager Cynthia Sementelli stated that benches for the Lake Park Harbor Marina were on order.

Interim Town Manager Cynthia Sementelli stated that the trailer for the Recreation Department would be discussed at the next Commission Meeting of November 1, 2006.

Interim Town Manager Cynthia Sementelli announced that Bingo would begin again on November 8, 2006 and the Egg Hunt would take place on October 28, 2006.

Interim Town Manager Cynthia Sementelli stated that goals and questions for the interview process for new town manager candidates would be discussed at the next Commission Meeting of November 1, 2006.

Interim Town Manager Cynthia Sementelli stated that the crime rate in the Town of Lake Park was down 56.3% from last year.

Interim Town Manager Cynthia Sementelli stated that the Town received the Cafer award for filing the budget within six (6) months and her goal was to have a narrative budget and receive a Distinguished Budget award. She stated that she did not have the time to do a narrative budget this year since she has had to take on the responsibility of Interim Town Manager.

#### **Attorney Thomas Baird**

None

#### **CONSENT AGENDA:**

None

**Public Comment Open.**

None

**Public Comment Closed.**

**PUBLIC HEARING(S)**

**ORDINANCE NO. 12-2006 – Board Member Termination**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF LAKE PARK, CHAPTER 2, ARTICLE IV, DIVISION 1, SECTION 2-112 ENTITLED “MEMBERSHIP ON CERTAIN BOARDS AND COMMITTEES TERMINATED FOR MISSING MEETINGS, FILLING OF VACANCIES”; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.**

**Public Comment Open.**

None

**Public Comment Closed.**

Attorney Thomas Baird read Ordinance 12-2006 by caption only.

**Motion: A motion was made by Commissioner Balius to approve Ordinance No. 12-2006; Vice-Mayor Daly made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

**ORDINANCE NO. 13-2006 – Outdoor Storage**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 68, SECTION 68-3 ENTITLED “OUTDOOR STORAGE FOR SINGLE-FAMILY AND DUPLEX SITES;” PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Patrick Sullivan, Community Development Director explained the purpose of Ordinance 13-2006. He reviewed the equipment that would be prohibited from front yards and open areas.

Mayor Castro asked about the regulations of carports.

Patrick Sullivan, Community Development Director stated that the code indicated that household appliances were prohibited in carports.

Mayor Castro asked if the code prohibited storage of bookshelves, tires, paint cans, wood etc. in carports.

Attorney Thomas Baird explained the code as a permissive code.

Patrick Sullivan, Community Development Director stated that in relation to carports the code stated that outdoor storage shall be maintained in a clean, neat and presentable manner.

Commissioner Osterman asked if it was clear in the code whether or not swimming pools were allowed in the front yard.

Patrick Sullivan, Community Development Director stated that it was not clear in the code that a swimming pool was not allowed in the front yard.

Commissioner Osterman stated that she observed an above-ground swimming pool in the front yard of a quadriplex on Jasmine Dr. She asked if there would be safety regulations for such a pool.

Patrick Sullivan, Community Development Director stated that swimming pools may need to be added to the Outdoor Storage Code.

Attorney Thomas Baird recommended that pools be added to Section eight (8) of Ordinance 13-2006.

**Public Comment Open.**

*None*

**Public Comment Closed.**

Attorney Thomas Baird read Ordinance 13-2006 by caption only.

**Motion: A motion was made by Vice-Mayor Daly to approve Ordinance 13-2006 on 1<sup>st</sup> reading and to bring it back with modifications; Commissioner Osterman made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner			



Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

#### **ORDINANCE NO. 14-2006**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AMENDING CHAPTER 67 "THE LAND DEVELOPMENT CODE" ARTICLE II, TO CREATE NEW SECTION 67-42 TO BE ENTITLED "EXPIRATION OF LAND DEVELOPMENT APPROVALS"; AND TO CREATE NEW SECTION 67-43 TO BE ENTITLED "RECONSIDERATION AFTER DENIAL;" PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Patrick Sullivan, Community Development Director explained the need for Ordinance No. 14-2006.

Mayor Castro asked for an explanation of the causes of Ordinance No. 14-2006

Attorney Thomas Baird explained that Ordinance No. 14-2006 recognizes the right of the developer to initiate development in a certain time frame and the right for the commission to take away that right or extend the development approval for an additional eighteen (18) months if the developer has a good reason for the delay of a development.

Commissioner Balius asked what would happen if the developer did not complete the development within three (3) years.

Attorney Thomas Baird explained that the development approval expires and would have to reapply and pay all of the necessary fees.

Mayor Castro asked if there was a provision in the code that a project must be done within a certain time frame.

Patrick Sullivan, Community Development Director stated that there was not a provision in the code that stated that a project must be done within a certain time frame.

Mayor Castro asked that a provision for a project to be done within a certain time frame be added to Ordinance No. 14-2006.

Attorney Thomas Baird further explained the causes for which Ordinance 14-2006 could be enforced. He suggested a more clarified provision be added to Ordinance 14-2006 and be brought back for 2<sup>nd</sup> reading.

Patrick Sullivan, Community Development Director stated that variances, special permits and special exceptions cannot be extended.

Attorney Thomas Baird stated he would review section 3B of Ordinance 14-2006.

**Public Comment Open.**

*None*

**Public Comment Closed.**

Attorney Thomas Baird read Ordinance No. 14-2006 by caption only.

**Motion:** A motion was made by Commissioner Balius to approve Ordinance 14-2006 on 1<sup>st</sup> reading and to bring it back with modifications; Vice-Mayor Daly made the second.

**Vote on Motion:**

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

**ORDINANCE NO. 15-2006 – Prohibited Parking**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF LAKE PARK, CHAPTER 30, ENTITLED “TRAFFIC AND MOTOR VEHICLES”, ARTICLE I, “IN GENERAL”, SECTION 30-2 ENTITLED “PROHIBITED PARKING”; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Patrick Sullivan, Community Development Director explained the purpose of Ordinance No. 15-2006. He stated that code enforcement officers had gone out and cited people for parking on the swales at Miller Rd. and Reed Rd. He stated that the violators then parked their vehicles on the road, but it caused a problem with commercial vehicles such as 18 wheelers, ambulances etc. getting through the streets. He stated that he received calls from merchants in the area who complained that they could not get their 18 wheelers into their yards. He recommended limiting parking to one side of the road so that there was access for the emergency vehicles and commercial vehicles to get through. He explained that he reviewed areas that benefit from parking on one side of the road. He stated that he included a caveat in the Ordinance that allows trucks a thirty (30) minute time frame for loading and unloading.

**Public Comment Open.**

*Felice Meyer, N. Killian* - stated that she owned a warehouse on N. Killian Rd. She asked if trucks would be able to load and unload.

Mayor Castro stated that Ordinance No. 15-2006 will allow trucks to load and unload for a thirty (30) minute time frame.

*Dan Coston, 15<sup>th</sup> St.* – stated that he owns a lot on 15<sup>th</sup> St. He stated that he does not see a lot of cars parked on 15<sup>th</sup> St. He stated that there were police in the area for parking in the swale. He stated that his employees do not park on the swale. He asked for clarification on allowable parking.

Mayor Castro stated that cars can park on the east side of 15<sup>th</sup> St., but not on the west side.

*Hodmud File, Killian Dr.* – stated that he owns a business on Killian Dr. He stated that he does not see the need for an ordinance regarding parking on the street. He stated that he has owned the business for ten (10) years and never saw a problem with cars parking in the street. He stated that he has trucks parked at his business for hours unloading. He stated that he did not understand why parking on streets was now a problem when it never was before.

Mayor Castro stated that trucks parked on the street for hours would be a problem.

Mr. File stated that there are police cars parked in front of his business for hours using his wireless internet service.

Mayor Castro asked what the police officers were doing using a business owners internet service.

Captain Douglas Reese stated that police officers have their own laptops and use the internet to check their e-mails with the Sheriff's office and do their reports.

Patrick Sullivan, Community Development Director stated that there were mailboxes located on Killian Rd. that could be obstructed by parked vehicles.

Mr. File stated that Ordinance 15-2006 would negatively impact his business because of the thirty (30) minute limit for trucks that load and unload. He stated that it takes his trucks 2 to 3 hours to load and unload.

Patrick Sullivan, Community Development Director explained that trucks parked for a long period of time presented a safety issue.

Mayor Castro recommended setting time limits on trucks loading and unloading on a case by case basis. He recommended that the Ordinance be modified and be brought back for 2<sup>nd</sup> reading.

#### **Public Comment Closed.**

Attorney Thomas Baird read Ordinance No. 14-2006 by caption only.

**Motion: A motion was made by Vice-Mayor Daly to approve Ordinance 15-2006 on 1<sup>st</sup> reading and to bring it back with modifications; Commissioner Osterman made the second.**

Vote on Motion:



Commission Member	Aye	Nay	Other
Commissioner Balias	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

#### **RESOLUTION NO. 61-10-06**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA RECOGNIZING CITY GOVERNMENT WEEK, OCTOBER 15 - 21, 2006, AND ENCOURAGING ALL CITIZENS TO SUPPORT THE CELEBRATION AND CORRESPONDING ACTIVITIES; AND PROVIDING AN EFFECTIVE DATE.**

Interim Town Manager Cynthia Sementelli explained the tours that took place during Government Week. She gave a slide show presentation of pictures that were taken of the children from Lake Park Baptist that came to visit the Town Hall during Government Week. She thanked staff, Solid Waste Authority and Arthur Anderson for their participation and help with Government Week.

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Balias to approve Resolution No. 61-10-06; Vice-Mayor Daly made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balias	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

#### **RESOLUTION NO. 62-10-06**

**A RESOLUTION BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE THE CONTRACT WITH BROWNING & BECKER CONSTRUCTION, INC. TO PROVIDE CONSTRUCTION SERVICES TO REBUILD THE FLOOR AT THE 7<sup>TH</sup> STREET BALL FIELD CONCESSION STAND IN THE TOWN OF LAKE PARK, FLORIDA.**

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Balius to approve Resolution No. 62-10-06; Vice-Mayor Daly made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

### **Discussions and Possible Action**

#### **PADD Signage**

Patrick Sullivan, Community Development Director explained the history of the PADD signs ordinance. He stated that a case was brought before the Magistrate. He stated that the hearing was postponed because other PADD signs were not cited. He explained that he went out on Park Ave. to observe signs and found that there were twenty-seven (27) signs that were in violation.

Mayor Castro explained that the PADD sign ordinance was implemented in 1997 and had been modified three (3) or four (4) years ago and certain signs in the Park Avenue Downtown District were grandfathered in.

Patrick Sullivan, Community Development Director explained that sign violators in the PADD had to remove their signs within five (5) years from 1997.

Commissioner Balius stated that he brought up the PADD sign ordinance at a Commission Meeting three (3) years ago and he was under the impression that it would be taken care of.

Mayor Castro stated that Calvin Giordano was supposed to be working on the PADD sign violations.

Vice-Mayor Daly stated that he recalled that there was an issue with the Mozart Theatre sign and it was determined that it was actually a banner not a sign.

Commissioner Balias stated that Mozart Theatre was cited for their sign and they covered their sign with a banner.

Mayor Castro stated that a banner was prohibited.

Patrick Sullivan, Community Development Director stated that he did not have a problem going out and enforcing PADD sign violators.

Commissioner Osterman asked for clarification of what is acceptable signage for the PADD.

Mayor Castro stated that free standing signs would be prohibited.

### **Public Comment Open**

*Bert Bostrum, 1451 Flagler Blvd.* – stated that the PADD sign ordinance came up when Doug Dryman was the town manager. She stated that she had attended a meeting at the Blue Goose where they discussed the PADD signs and that was when the ordinance was changed.

### **Public Comment Closed**

Mayor Castro stated that the ordinance may have been changed but never sent to Municipal Code Corporation for codification. He recommended staff research modifications the PADD sign ordinance dating back five (5) years.

Vice-Mayor Daly stated that there was a loud speaker set up behind Barbie's that was playing loud music.

Patrick Sullivan, Community Development Director that he was not aware of any complaints regarding loud music coming from behind Barbie's restaurant.

Mayor Castro asked that staff research the PADD ordinance and bring it back for discussion to the next Commission Meeting.

Commissioner Osterman thanked and commended Patrick Sullivan, Community Development Director for his effort in addressing issues in a fair and equitable way.

### **Holiday Boat Parade**

Interim Town Manager Cynthia Sementelli explained that the Lake Park Harbor Marina pier would be used to load fireworks for the show. She stated that the marine industry and firework company are fully insured with full coverage of \$10,000,000.00. She stated that the Holiday Boat Parade would take place on December 2, 2006. She stated that the Town of Lake Park was a sponsor for the Holiday Boat Parade and made a \$250.00 donation.

Mayor Castro asked the Commission for a consensus to allow Marina Industry Associates to launch the Holiday Boat Parade from the Lake Park Harbor Marina pier.

The Commission came to consensus to allow Marina Industry Associates to launch the Holiday Boat Parade from the Lake Park Harbor Marina pier.

### **Clark Sales Proposal**

Interim Town Manager Cynthia Sementelli explained that Clark Sales was hired last year to do the Town Christmas display. She stated that during the budget process she added an additional \$10,000.00 to pay for an additional Christmas display on 10<sup>th</sup> St. and a 34 foot Christmas tree for Lake Shore Park.

Commissioner Balius asked where the Christmas tree would be stored. He asked if the town was renting the tree for \$5,900.00.

Mayor Castro expressed that the \$5,900.00 would be excessive to rent a Christmas tree.

Vice-Mayor Daly asked Interim Town Manager Cynthia Sementelli to look into other options for having a Christmas tree at Lake Shore Park.

Mayor Castro asked Interim Town Manager Cynthia Sementelli to look into installing banners or lights on light poles for the holidays and certain events. He asked Interim Town Manager Cynthia Sementelli to contact the Department of Transportation to obtain a permit.

Commissioner Balius asked Interim Town Manager Cynthia Sementelli to contact Brett Druin at 432-4966.

The Commission came to consensus to have a Christmas display on 10<sup>th</sup> St.

### **Town manager short list and interview date**

**Motion: A motion was made by Commissioner Osterman to approve the new town manager short list; Commissioner Balius made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

Mayor Castro stated that he asked if the town manager interview date could be done





## ADJOURNMENT

There being no further business to come before the Commission and after a motion to adjourn by Commissioner Balias and seconded by Vice-Mayor Daly, and by unanimous vote, the meeting adjourned at 9:20 p.m.

  
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Mayor Paul Castro

  
\_\_\_\_\_  
Deputy Clerk Jessica Shepherd

  
\_\_\_\_\_  
Town Clerk Vivian Mendez



Approved on this 1 of Nov., 2006.